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Utah Watershed Review

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Focus: Managing Storm Water Runoff

Phase II EPA Storm Water Rules Go Into Effect

Political leaders and public works employees from more than 50 Utah communities now have a new concern every time it rains or snows and every time local residents wash their driveways or sidewalks: stormwater regulations.

In November, EPA began implementing "phase 2" of the Clean Water Act stormwater rules, rerequiring all small communities in the nation's "urbanized areas" to develop stormwater management plans be early 2003.

In Utah, the new rules affect cities and counties in Cache, Weber, Davis, Salt Lake and Utah counties (please refer to the list to the right), which based on the 1990 census, EPA has declared urban.

The new rules mean that rural towns like Hyde Park and West Point must now work to control runoff as vigorously as Salt Lake City and Salt Lake County. Though some cities will absorb the program's cost into their existing budgets, EPA estimates it will cost the average U.S. homeowner an additional $3 a month

Phase 2 rules also will affect all construction sites greater than one acre in size. Phase 1 applied only to sites five acres or greater. The new stormwater rules will require construction sites to keep sediment and other wastes into streets, stormwater systems or streams.

In late October, engineers from many cities affected by the new rules met with Harry Campbell, stormwater coordinator for the Utah Division of Water Quality, to learn how the rules will affect their cities.

Basically, the cities will have to demonstrate to the state that they are taking certain prescribed measures to minimize the effects of urban runoff.

"Urban areas have a very large impact on watershed downstream," Campbell said. "An example right now is the East Canyon Creek area. That is a vast developing area." East Canyon Creek is listed as a high priority on the state's 303 (d) list of impacted waters.

Although Park City and its surrounding communities are not on the current list of phase 2 cities, Campbell believes that they will be added after the 2000 Cen-

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As stormwater runs down gutters it picks up any grease, oil, antifreeze, salt or other pollutants that may be on streets or parking lots. Many communities throughout Utah are now mandated to reduce this type of pollution.

Ag. Commissioner Talks Open Space and Storm Water Management

Commissioner Peterson believes that as a community urbanizes, preserving some pastures and grazing land will help in filtering stormwater runoff.

In his nearly seven years as Utah's Commissioner of Agriculture and Food, Cary Peterson has consistently pushed for quality growth and protection of critical open space including prime agricultural land. His words haven't always been accepted whole-heartedly by city planners wanting to grow and attract more people. Now that more than 50 Utah communities must start controlling stormwater runoff as part of Clean Water Act provisions, Peterson is promoting a concept that may protect open space and filter stormwater runoff.

Speaking recently to local planners at a water conference sponsored by the Utah Division of Water Quality and the Utah League of Cities and Towns, Peterson suggested that it may be possible pasture grazing land filter out some of the pollutants from stormwater runoff.

"These natural grass lands with their strong root systems can handle a lot of water," Peterson said. A state stormwater expert agrees it may be possible to at least partially "clean" stormwater.

"It could definitely work. It would require careful planning, however," Said Harry Campbell, an environmental scientist at the Utah Division of Water Quality. "You'd have to be careful that you had enough land to handle the water you were sending over it.

During his remarks, Peterson suggested that a conservation easement near Park City could possibly serve as a wetland filter in the future. The Swanner Pasture along I-80 just east of Kimball

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Quality Growth Commission Works with Local Leaders on Growth Issues

In the mid-1990s, Utah Governor, Michael O. Leavitt, initiated and hosted a television town meeting called the Utah Growth Summit. The purpose of the summit and a series of surveys and research efforts leading up the meeting were to help Utahns think seriously about growing in a thoughtful and logical manner.

Now, as the decade and century come to a close, the Governor has initiated another effort. The Quality Growth Act of 1999 and the Governor's Quality Growth Commission are in place to help local communities wrestle with important issues related to ever-increasing population.

Under Section 17 of the statute, the commission is suppose to report to the Political Subdivisions Interim Committee of the Legislature by November 30, 1999 on several subjects specified in the Act. During its first six months, the committee has been focused on gathering information to formulate "quality growth principles" based on 16 factors in the Act.

Ad Hoc committees were formed in five topic areas that will cover the 16 factors. The five ad hoc committees are:

- Critical Land Conservation
- Intergovernmental Relations
- Housing
- Infrastructure
- Free Market

Each of the committees have several important questions facing the state and many local committees.

Critical Land Conservation

Some of the questions facing this committee include:

- How to implement the policy of no net decrease in the quantity or value of private real property available to generate property tax revenues, while recognizing that at times some additional public land will be needed and at other times public land is not critical and can be sold, exchanged, or converted to private ownership to accommodate growth and development.
- Whether to preserve or restore agricultural land and open land and, if so, how.

Intergovernmental Relations

Here are some of the issues facing the Intergovernmental Relations committee include:

- How to implement the concept of local control over land use and development decisions but with state leadership and coordination.
- How to encourage voluntary cooperation among local entities and other providers of public services.
- Whether development should be encouraged within municipalities.
- Whether barriers to quality growth exist within state statutes.

Housing

The Housing committee has the following charges to deal with:

- Whether to provide affordable housing for all economic segments of the state and, if so, how.
- Whether to encourage a mix of residential densities and housing types and, if so, how.
- Whether to encourage the preservation or enhancement of existing housing stock and, if so, how.

Infrastructure

The Infrastructure committee deals with the following:

- Whether to encourage infill development and the development of Brownfield sites and, if so, how.
- Whether to encourage development in urban areas where adequate public facilities and services already exist and, if so, how.
- Whether quality growth areas should be located exclusively or primarily within municipalities.

Free Market

- How to ensure that the rights of private property owners are protected.
- How to implement a balance of free market and public sector planning solution to growth management problems.
- How to encourage voluntary partnerships with the private sector.
- What governmental actions affect the free market system and the measures that should be taken to minimize that effect.

In an effort to answer these questions, committee members have been traveling throughout Utah to local communities to take part in town meetings.

Some of the results of their findings should be included in the Novemeber 30 report and will be included in a future issue of this publication.

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Stormwater rules are nothing new to Utah's larger local governments. Salt Lake City and Salt Lake County have been controlling stormwater runoff under phase 1 rules since 1995.

Salt Lake County this year will spend $377,000 on its stormwater management program, which consists of public education, street cleaning, reducing the county's use of fertilizers, herbicides and pesticides, and enforcing regulations that prohibit discharges of dirt, litter and other pollutants onto streets.

Stormwater management plans also must require new developments to be constructed in a way that will minimize runoff and its impacts.

While many phase 2 cities have not yet started their programs, others seem to be way ahead of the game.

Murray City, for example, has been active in controlling stormwater runoff. It has won two national awards for its golf course, which includes a human-mad wetlands area that receives runoff from four miles of Interstate 215 as well as several irrigation canals. The wetlands purge the runoff of contaminants. The city then pumps water from the wetlands onto the golf course, saving about $150,000 in water bills, said Doug Hill, public works director.

Hill said that stormwater pollution control is vital to protecting the wetlands along the Jordan River Parkway, which local governments are cleaning up and developing to improve quality of life.

Even with the new phase 2 requirements, state officials are not expecting urban water to improve.. The reason is rapid population growth.

"With continued growth, our goal is not to degrade stormwater runoff any further," said Campbell. "Maintaining the status quo is what we're looking for."

"Commissioner"

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Junction is below all the developments leading into Park City's downtown area. Peterson suggested that the dry pasture land and some constructed wetlands could "take up" a lot of the impurities from the water in the storm system of suburban Park City.

Peterson said that such a move to protect pasture would be relatively easy and inexpensive before an area started growing too rapidly. By the time Park City started buying up farm ground as open space, it was an expensive undertaking.

Aside from stormwater management, Peterson said that general watershed protection is usually a benefit of putting open land into a conservation easement.

The Osgathorpe dairy along State Road 224 between I-80 and downtown Park City is a good example, according to Peterson, of a city buying property to preserve open space values and protect a watershed. The dairy runs from the stream, next the road up to the hillside. While this would be prime development ground. All the urban runoff from the neighborhood would go directly into the stream. The water in that stream eventually makes its way to East Canyon Creek, which Feeds East Canyon Reservoir.

"East Canyon Creek continues to be polluted even though agriculture up stream is all but gone. It's runoff from the neighborhoods and return flows from the wastewater treatment plant that keep East Canyon Creek a high priority for improvement," Peterson said.

Utah Watershed Review

Editor.....Jack Wilbur

Editorial Review

If you would like to request an additional copy, make a comment or suggest a story or watershed focus idea, please call **Jack Wilbur** (801) 538-7098. Or write:

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2000 Utah Non Point Source Water Quality Conference

Logan, Utah—Eccles Conference Center, Utah State University

July 18-20, 2000

Non point source pollution affects every portion of a watershed, from the farmer's fields to suburban streets. Changing population bases and evolving water quality rules and regulations are impacting the ways rural communities, larger cities, counties and the state tackle non point source water quality problems.

The first Utah Non Point Source Pollution Water Quality Conference of the new millennium will focus on "Water Quality from the City to the Farm." The three-day conference will consist of one daylong tour of water quality points of interest in the Cache Valley and two days of conference sessions. The meeting days are scheduled to focus on topics including concentrated animal feeding operations, including a look at best management practices and management strategies offered by federal and state agencies; storm water management, specifically focussing on the Clean Water Act Phase II requirements and implementation; and septic tank use in a changing landscape.

Each meeting day will include concurrent session presentations. The Utah NPS Task Force conference planning committee is currently accepting abstracts for concurrent session presentations

Presentations will be 30 minutes long, including time for questions and answers. Presentations may be about any non point source pollution-related issue. However, particular consideration will be given to those topics that closely relate to the general session topics of animal manure management, septic tank use, and storm water management.

Abstracts should be one page if possible. Please use the following formatting guidelines:

Type should be 12pt Times or Times New Roman.

Single-spaced type between lines of the same paragraph. Double space between paragraphs.

Presentation title should be in Bold and Centered on the page.

The name(s) of the main presenters should appear at the top of the page below the title but above the body of text.

Deadline for submission: February 15, 2000

Submit To:
Jack Wilbur
Utah Department of Agriculture and Food
P.O. Box 146500
Salt Lake City, Utah 84114-6500

2000 NPS Conference Returns to Original Format

Topics to Include Animal Feeding Operation and Storm Water Requirements

The 2000 Utah Non Point Source Water Quality Conference will mark the return of the event to the Utah State University campus and a return to the more traditional conference format.

The past two years the conference has changed its format a bit to accomodate some special opportunities.

In 1998 in Richfield, the conference consisted of two days of tours and one day of meetings. The 1999 event held in Ogden, had three days of tours and training opportunities and no real conference sessions. For 2000, the original format of two days of conference meetings and one tour day has returned.

The theme for this year is "Water quality from the city to the farm." Specific topics of general sessions will center around concentrated animal feeding operations, septic tanks, and stormwater regulations.

The two days of conference meetings will consist of both general sessions and concurrent paper presentations. Above is a copy of the cal for papers being mailed out in early January.

Phase II of the Clean Water Act stormwater regulations went into effect in November, affecting an additional 50 or more communities in Utah. The additional burden upon these cities and towns to control urban runoff. Most communities will use of combination of public education to reduce pollution and structural methods to control and reduce pollution.

As Utah becomes more urbanized, septic tank use is becoming a big issue. Wasatch County has been wrestling with septic tank density for some years now. Other cities and counties will soon have a similar dilema.Some of the questions facing these communities related to septic tank use include acceptable lot size and housing and septic tank density.

Finally, the more agricultural issue of animal feeding operations and manure management is no less important to the water quality of the state.

In March 1998 the U.S. Environmental Protection Agency and the U.S. Department of Agriculture jointly released a strategy related to concentrated animal feeding operations and manure management. This strategy is part of the mandated within the Clean Water Act to keep pollution out of navigable waters of the U.S.

While the strategy is a good idea by most accounts, it has caused some confusion and even panic among livestock operations and dairies in Utah and throughout the country.

Conference seesions surrounding this issue will hopefully answer many of the confusing questions. Speakers are expected to address the inventory process, inspection schedule, permit process, how to write a comprehensive nutrient management plan and possible best management practices for dealing with pollutants.

In the months to come, this publication will advertise the agenda and registration materials. A mailer with those materials will also be in the mail by spring 2000.

Provo River Resotoration Moves Ahead

The backhoes have been working overtime this fall starting to reestablish meanders in the Provo River. The project area runs from just below the Jordanelle Dam to Deer Creek Reservoir about 12 miles away.When the work is completely the river is expected to once again be a blue ribbon trout fishery. Other wildlife values should improve as well.

After years of dredging and channelizing as flood control measures, a 12-mile stretch of the Provo River near Heber City will be restored into a slower, meandering river, much like it was in past eras.

The goal is to have a blue ribbon trout fishery when the work is complete in five years. The $30 million project is payback for the environmental impacts created elsewhere around the state by the $2 billion Central Utah Project.

The river was dredged and channeled in less environmentally conscious times by the U.S. Bureau of Reclamation as part of a post-World War II program for flood control. Now flood control is handled upstream by Jordanelle Reservoir.

Local landowners have varying views about the project. However, most are not thrilled by the idea.

The Utah Reclamation Mitigation and Conservation Commission, a presidentially appointed body supervising the work, is buying or condemning hundreds of riverside acres for the effort. It formally began rerouting the river this year with a 1.45 mile pilot project at the north end of the valley, just below Jordanelle Reservoir.

Local farmer Bill McNaughtan, sold part of his family's river-bottom property to the commission after deciding the effort would proceed with or without him. However, his cooperation doesn't mean he supports the project. McNaughtan says he believes the project is a waste of money.

The product of a 1992 compromise between water developers and conservationists, the commission carries the mandate of some $200 million worth of environmental restoration within the CUP's boundaries. Other work includes resurrecting Great Salt Lake wetlands and renovating the banks of the Jordan River.

One of the last of the federal government's massive water projects in the West, the CUP's main purpose is to tap water sources in the Uinta Mountains and on the eastern slope of the Wasatch Mountains and carry it via tunnels and pipelines to the urban Wasatch Front.

Among scores of parcels targeted for takeover for the Provo River restoration was a 54-acre hay field McNaughtan's father deeded to him. The fourth generation Wasatch County farmer chose to sell, rather than fighting a losing battle.

And the commission has been willing to pay top dollar for the land—between $18,000 and $30,000 per acre, according Michael C. Weland, executive director of the commission. Weland says about one-third of the land needed for the project has already been acquired and owners of another one-third are in negotiations.

Ray Hult sold 40 acres after receiving assurances that the river would not be turned into a high traffic parkway with lots of visitors from Wasatch Front cities. Hult fears that overcrowding of access areas will result in people trespassing on neighboring farmland.

Mike Kohler, a Wasatch County commissioner, also agreed to terms on 50 of his family's acres. Kohler believes the project is flawed because it is focussed on fly-fishing enthusiasts.

Trout fishing enthusiasts applaud the project. When finished, the river will have an additional two miles of length in the main channel and 10 additional miles of side channels. Fly fishing instructors and fishing tackle shop owners are happy with the potential outcome. However, fishing may initially be hurt by the amount of silt the reconstruction will cause in the river channel. Fishing tourism experts also note that the long term benefits of the project will include increased tourism dollars in Wasatch County.

Even though increased tourism and more people moving permanently into the valley will require more local services and tax costs, the environmental projects in the area over the past fifteen years are providing big benefits to the residents of Wasatch County as well as the Wasatch Front, which is where much of the Provo River water ends up.

Some of the recent water projects in the Heber Valley include a Rural Clean Water Project, funded by USDA in the late 1970s and early 1980s, construction of Jordanelle Reservoir, early to mid 1990s, and now the Provo River reconstruction.

Bateman Applies for Wastewater Permit for New Dairy Site

Bateman Dairy has applied for a state water discharge permit to dispose of the waste from its proposed dairy operation in Juab County.

The public comment period ended early in December. If no major objections are raised the permit should be issued fairly quickly.

After more than 100 years on the hillside above the Jordan River in West Jordan, Dale and Dean Bateman are moving the family dairy farm from West Jordan to Juab County. The family plans to expand its operation to allow their 800 cows to feed on 1,000 acres.

Manure from the dairy operation is proposed to be flushed from the barns using borrowed irrigation water. The slurry would be separated and stored in a waste retention pond. The waste would be converted to fertilizer to be used on their farms.

At the 800 dairy cow level, the operation will also be required to have a comprehensive nutrient management plan in place, as required by EPA and USDA's animal feeding operation strategy as part of the Clean Water Act.

Tooele and Vernon Wrestle Over Water in West Desert

The small Tooele County town of Vernon reportedly has some of the best water in the state, lying in a deep aquifer below the desert floor.

But Vernon's 400 residents fear that water is in jeopardy.

Thirty-six miles to the north, thirsty Tooele City is desperate to find ways to provide its population—now at 21,000—with enough water to accommodate future growth.

Tooele's problem is one of its own making and similar to what has happened in the Snyderville basin of Summit County. For years, city fathers approved subdivision construction without having enough water to supply the needs of the new residents. In 1998, the city council finally voted to require developers of any new subdivisions to come up with their own water rights.

Despite that action, the city still must find water for up to 5,000 new homes expected to come on line during the next 15 years.

"All we accomplished [by the council action last year] is: we froze the problem," said Councilman Earl Cole.

And it is no secret that the city has an eye on some of the underground water that supplies sparsely populated Vernon.

Earlier this decade, Tooele jumped at the chance to pick up for less than half a million dollars a foreclosed Vernon sod farm that not only represented a lot of land, but came packaged with a series of scarce water rights as well.

"Sure we wanted only the water rights. Tooele City certainly is not in the farming business, said Tooele Mayor Charlie Johnson

When the city tested the wells on its new property, some Vernon residents say that pressure in their private wells dropped and, for the first time, they started having water supply problems. Eventually, after the testing stopped, Vernon wells stabilized.

There was not enough water granted to the sod farm property to make it practical for Tooele City to build a 36-mile long pipeline to carry the water north. So Tooele has leased the farm and the land continues to grow grass. But the water is still available to the city for future use.

Then, early this past summer, a 494-acre ranch next to the sod farm and just north of Vernon's city limit became available, complete with more water rights. The price tag for the property was $1.2 million.

The combined water rights from the two properties could have made the pipeline idea feasible.

But in late September Tooele's City Council voted 5-0 not to buy the ranch.

Vernon residents consider the move a temporary reprieve. Vernon Mayor Bill Lee Johnson said that he is sure that Tooele City will be back.

Johnson may be right. As water history in the West has shown, when a town grows large enough and is thirsty enough, no price is too great and no plan too elaborate when the reward is water. Just look at Las Vegas as an example.

New Legacy Highway Route Propsal may Fly

A new route for the Legacy Highway has been proposed that may end a long struggle over where and if the road through Davis County would be built.

"If the local governments can't get exactly what they want, we can at least get a road out of this thing, House Majority Leader Kevin Garn, R-Layton, recently told the *Ogden Standard-Examiner* newspaper.

The new route, called option D, is a compromise between two others: the locally preferred route, which would skirt the eastern border of the Great Salt Lake, and the one the U.S. Army Corps of Engineers prefers, which would avoid wetlands near the lake.

For weeks before the October announcement of the compromise plan, state lawmakers had quietly discussed the new option, which runs through 13 miles of mixed residential, agricultural and industrial land in northern Salt Lake County and southern Davis County.

Garn has spoken with local governments, environmental groups, the Corps and others to find a way to get the Legacy Highway built as a north-south alternative to I-15.

The route would destroy about 156 acres of wetlands while avoiding communities. Officials have offered to form a wetland preserve west of the road to offset the damage the highway would cause.

The Corps is legally obligated, however, to select the least destructive route—its first choice would destroy 111 acres of wetlands.

The new route would destroy on six more acres of wetlands than the Corps' choice, but would disrupt communities less.

So far, the Utah Department of Transportation (UDOT) has not added the alignment to its plans or the environmental study it is writing.

To this point UDOT's only involvement has been to provide Garn with maps and analysis he requested.

There are those in the environmental community who believe that this proposal could be the solution.

"I can't say we're on board with anything that's official yet, but there is a basis here for a way to solve the route-alignment issue," said Cullen Battle, an attorney representing the Farmington Bay Advocates.

Battle said his group—a coalition of property owners and duck hunters along the Great Salt Lake—might sign off on certain adjustments to the Corps route, as long as the route avoids the Great Salt Lake flood plain. He said that he believes that option D meets those criteria.

Other environmental groups continue to oppose the entire Legacy Highway premise. Such groups maintain that Utah cannot build its way out of traffic congestion, and that a long-term solution must involve wiser land-use patterns and public transit.

Sierra Club representative Marc Heileson added that the U.S. Environmental Protection Agency has been clear that it will not be satisfied until that state analyzes options that forgo building a road across wetlands at all.

"I just don't see EPA biting on this," Heileson said.

The EPA has veto power over any permit the Corps issues to disturb the wetlands.

Another problem with the new proposal could come in the form of opposition from Centerville City leaders. City officials want the road to run west of a power substation and right through 15 acres of wetlands. Option D would run east of the substation, which would take out lands zoned for a future industrial park.

Decker Lake Pollution Exceeds Standards

A recent water quality study has concluded that Decker Lake is so polluted it isn't safe for contact recreation such as swimming.

"You probably won't die," said Terry Way, a water quality program manager for Salt Lake County. However, there's an indication of the presence of pathogens that could be harmful to humans, he added.

Although nobody swims in Decker Lake, people use it for kayaking, wding and fishing. The water quality is poor for those uses as well, officials say.

The lake, located just east of I-215 at about 2700 South, is the focus of a yearlong restoration effort that has caught the attention of Olympic organizers. Salt Lake County, which owns the lake, and West Valley City, which has a business park surrounding it, are working on the cleanup. But progress is slow.

There were mixed reactions to the findings of the two-year water quality study conducted by EWP Engineering Inc. of Salt Lake City.

"Everybody is a little surprised that the water quality is so poor," said Russell Willardson, West Valley City public works director.

The study showed that the bacteria level in Decker Lake is three times higher than the state standard for lakes in which boating is allowed. The phosphorus level, an indicator of the presence of fertilizers, is seven times higher than the standard.

Way wasn't too surprised at that. "We knew the bacteria would be high," he said. That's partly because Decker Lake is a 30-acre flood basin fed by a system of canals and storm drains.

Those pollutants are linked to urban runoff. That's water running off dirty streets into storm drains, picking up trash and pollution on the way.

Some residents, however, are blatantly dumping trash in the lake, the study found.

"The illicit and illegal dumping is most alarming," West Valley City Engineer Trace Robinson recently told his city council.

Beyond purposeful dumping, many people are unknowingly contributing to the pollution problem. People who change their oil are dumping it into the storm drains, which empty into the lake. Additionally, oil from leaky cars parked in driveways, along the streets, or in parking lots also contribute to the problem. Karen Nichols, the Decker Lake project engineer for EWP Engineering, said that the pollution in the lake could decrease dramatically with improved habits by the citizens of the area.

Nichol's water-quality study is the latest in a $1.6 million restoration effort. Five years ago, county crews dredged the lake to deepen the water and build and stabilize the banks.

West Valley officials are faced with a federal mandate that requires them to control runoff much like Salt Lake City and Salt Lake County have done.

West Valley City is one of more than 50 Utah communities that must comply with the newly-implemented Phase II storm water requirements under the Clean Water Act.

The act essentially forces cities to develop a storm water management program.

Work on Hopkin Ranch Project Moving Ahead on Schedule

Stuart Hopkin's cattle are settling into their new winter home about a mile upland of the former winter feeding area right on the banks of the Bear River. Mild autumn weather has helped Hokin stayon schedule with the project.

The Stuart Hopkin concentrated animal feeding operation relocation project in Rich County is moving along on shcedule thanks in part to hard work by the Hopkin family and partly because of the unseasonably warm autumn weather that persisted until the end of November.

"I can't remember the last time it was this warm this late in the season," Hopkin commented. But more importantly to the work he has been doing, the weather has alsoo been remarkably dry.

While their are a few fences and gates that are temporarily in place and will need to be permanently finished next spring. the animal corals, watering trough and scale are all in place.

Earlier in the year, the manure was removed from the old coral site near the river. Thousands of cubic yards of manure was scraped from the ground and lifted by front end loaders into dump trucks.

After the manure was removed, Hopkin turned his attention back to the new corals. Next spring work will continue on the river restoration site. Eventually, a wetland will be restored to the low lying are near the river.

Other restoration activities including bank stabilization will also begin in spring and summer 2000.

Orem Promotes Storm Water Management Program Through Poster Contest

If you wouldn't drink it,

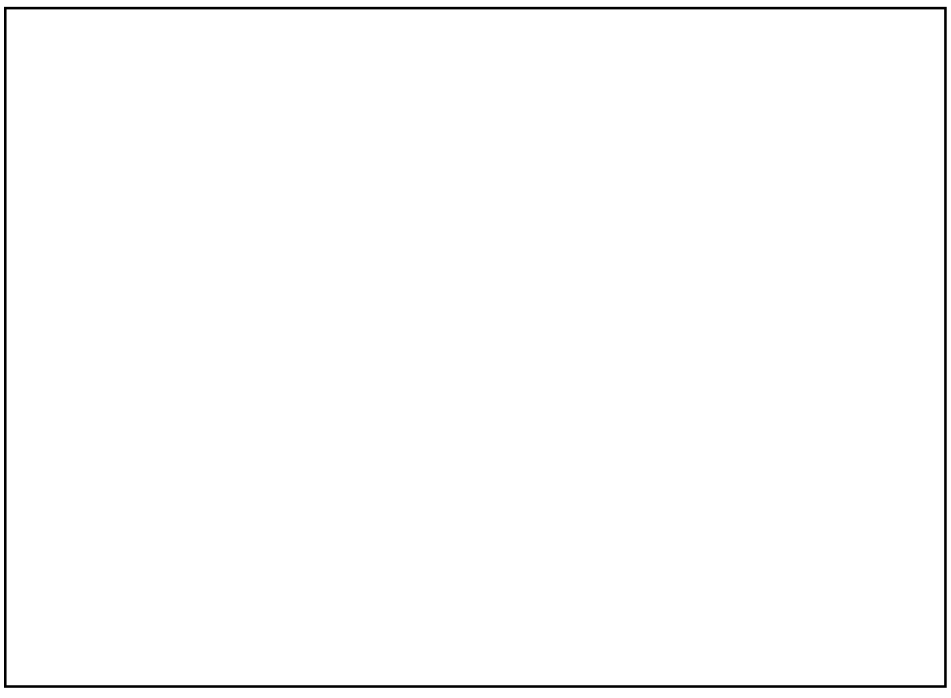
That's the theme of a poster contest sponsored by Orem's storm-water utility department and several businesses for local elementary and secondary school students.

Orem will reproduce winning posters and display them around town in an attempt to educate residents about storm water quality, officials said.

Products that could damage ground water should never be dumped onto the ground or into storm drains. Any hazardous household waste product or automotive waste product are among the items that should not be disposed of by flushing.

Most Wasatch Front communities get their culinary water from both ground water wells and treated surface water. There is a potential for contamination if residents aren't careful about where they dump household cleaners, pesticides or used oil.

This public outreach in Orem is just one example of the various efforts being made by municipalities throughout northern Utah..



Fences, a scale, watering trough and a feeding manger have all been erected this fall so that the cattle wouldn't spend another winter next to the river. If the cattle had spent this winter in the old location, it would put the restoration efforts back a year.

Congressional Hearing Questions EPA's TMDL Policies

Members of a House subcommittee charged at an Oct. 28 hearing that the Environmental Protection Agency exceeded its authority in proposing a plan they said could subject farming and forestry activities to Clean Water Act permitting requirements.

In a heated exchange, Rep. Bob Goodlatte (R-Va.) questioned how EPA could justify the proposal to revamp the total maximum daily loads (TMDL) program withouut legislative authority. Goodlatte chairs the House Agriculture Subcommittee on Oversight, Nutrition, and Forestry. Chuck Fox, EPA assistant administrator for water, said agency officials believe that Section 303(d) of the Clean Water Act provides sufficient authority for their proposal.

The discussion focused on the Aug.23 TMDL proposal which one agriculture industry representative described to as the most significant clean water action affecting agriculture since the water law was signed in 1972.

The TMDL program requires states to identify waters for which existinng controls are insufficient to bring then into attainment with water quality standards. States then must develop a TMDL plan that essentially allocates the amount of pollutant the water body can take from those who discharge into it.

The Aug. 23 proposal would set new schedules for completing TMDLs, allow states to prioritize waters needing attention, and expand the permitting program to include more activities in the TMDL scope.

NPDES Permits

Agriculture and forestry interests are concerned about the reach of the proposed program and fear that farmers and tree harvesting operations may ultimately be required to get a National Pollutant Discharge Elimination System permit.

"That will only happen if certain criteria are met," Fox insisted. In cases where silviculture, for example, is identified as the source for a water quality problem, the state should step in and develop a plan to resolve the problem, he said.

"If the state fails to do something and silviculture is the cause of the problem, EPA has the authority to step in and issue a best management practice plan for that operation," Fox said.

That EPA believes it has the authority to take regulatory action after a state has failed to do so is "the kicker" that has agriculture interests concerned, according to one agricultural industry official.

Fertilizer Controls?

John Barrett, a Texas cotton farmer who was a member of a federal advisory committee working with EPA to develop the recommendations used in the proposal, told the subcommittee that under the proposed rule, the agency could conceivably regulate the amount of fertilizer applied to fields. He cited an example in the southern part of Texas where the state is working on a TMDL.

"The TMDL in that area seriously contemplates fertilizer use reductions," Barrett said, adding that state regulators were currently in the process of trying to quantify the potential environmental benefits of such an action. Fox said the potential restriction on fertilizer was taking place solely at the discretion of the state-and not because EPA required it.

Although he served on the advisory panel on the proposal, Barrett opposed the final product. At several point in his testimony, he called the agency actions and the proposal "unlawful."

Barrett also said the agency is "clearly requiring states to allocate an assimilative capacity of the water body for, in this case, nitrate." The problem is, Barrett said, if the technology-based method does not achieve the desired water quality goal, EPA can step in and require further reductions from sources of nitrate.

"During this further reductions phase is when we anticipate fertilizer use will have to be reduced," Barrett said.

Rep. Charles Stenholm (D-Texas), the ranking member of the full committee, said under the EPA proposal, the agency is "passing the buck to the states to make the hard decisions."

Forestry

Rep Virgil Goode (D-Va.) questioned whether a landowner near a water body listed as impaired would have to get a permit from EPA to "cut down a few trees."

Fox said the proposal does not envision such a requirement. Rather, he said, the proposal seeks to be a framework states and local governments can use to decide the measures they want to take to bring their waters up to water quality standards.

However, Robert Olszewski, director of environmental affairs for The Timber Company, in Atlanta, said an EPA permitting requirement for such an activity is not so far-fetched.

He said that while provisions in the Clean Water Act addressing nonpoint sources apply to forestry, under the TMDL proposal, silviculture could be designated a point source subject to NPDES requirements. "EPA can develop a general permit to require a landowner to apply for an NPDES permit," Olszewski said. "That could open the door for the permittee having to get an individual permit for harvesting activities." He said this type of scenario was never discussed by the advisory committee and makes little sense.

Fox said that scenario could only be true if the silviculture operation were identified as the source of the water quality impairment. The other factors that would have to apply are that the state had not yet completed or started a TMDL for the affected water body, and theoperation would also have to be identified as a significant contributor, Fox urged. "Then EPA would step in and establish that a permit is required.

Goodlatte said identifying a source as a significant contributor is "subject to a great deal of interpretation and abuse."

He said the proposal threatens to open the door to target more than what EPA calls "bad actors."

He also chastised Fox for not requesting that Congress enact authorizing for the TMDL proposal.

Fox responded that Congress has "ample authority" under the Congressional Review Act to consider the EPA proposal and raise any objections. "That's not how democracy is supposed to work," Goodlatte shot back. "It's not up to the regulatory body to take action and then sit back and see if it gets past Congress."

Dry Spell Ending?

After one of the drier autumns on record, the started opening up just a bit in late November and early December. A late November rain storm in the Salt Lake Valley overworked storm drains plugged with fallen leaves and flooded streets. Then two quick snow events the first week of December added more needed moisture to northern Utah valleys and surrounding mountains.

Earlier in the fall a 38 day dry spell was broken by a light rain storm. However, the suddenly wet weather pattern may not be cause for celebration, according to forcasters and the National Weather Service. Predictions are for a drier-than normal winter.

While reservoir levels have not beed a problem in much of Utah during the past several years, that could all start to change with a very dry winter.

Farmers and ranchers, ski resort owners and managers, and all other businesses that benefit from winter tourism will all be united in a wish from a very white Christmas.

The jordan River outside the Utah Department of Agriculture and Food is surrounded bya blanket of white after a long, dry autumn. By the second week of December Southern Utah was expecting substantial mountain snow as well.

New CAFO Brochure Available

The Utah Concentrated Animal Feeding Operation committee has developed a brochure to introduce the national and Utah strategies on animal feeding operations to Utah's farmers and ranchers.

The brochure includes a basic introduction to the strategy, the strategy's definitions of animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs), and a self-checklist to help farmers and ranchers determine if they will be affected by regulations.

The color brochure is short, to the point and easy to read. So far, copies have been distributed to the Utah Farm Bureau Federation, the Utah Cattlemen's Association and the Utah Association of Conservation Districts.

Copies are also available from Jack Wilbur at the Utah Department of Agriculture and Food. 350 North Redwood Road, Salt Lake City, Utah. Or call Jack @ 801 538-7098.

Along with Wilbur, the committee that worked on the project included Rich Koenig, Utah State University Extension, Roy Gunnell, Utah Department of Environmental Quality, Kerry Goodrich, Natural Resources Conservation Service, Sherri Einfeldt, Utah Association of Conservation Districts, and Wilbur.